APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,248	07/30/2001	Yang Gao		8639

7590 08/12/2004	EXAMINER

Armeen Mazda - c/o Shell Electric Mfg. Co. Ltd.
1/F, Shell Industrial Building
12 Lee Chung Street
Chai Wan.District
Hong Kong,
CHINA

EXAMINER
BURGE, LONDRA C

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/916,248	GAO ET AL.
	Examiner	Art Unit	
	Londra C Burge	2178	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>30 July 2001</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-53* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-53* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
          application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: Original application filed 7/30/2001

2.   Claims 1-16, 21-43, 61-67 and 101-107 are pending. Claims 1, 21 and 61 are independent

claims

3.   Claims 17-20, 44-60 and 68-100 are missing.

Claim Objections

4.   The numbering of claims is not in accordance with 37 CFR 1.126 which requires the

original numbering of the claims to be preserved throughout the prosecution. When claims are

canceled, the remaining claims must not be renumbered. When new claims are presented, they

must be numbered consecutively beginning with the number next following the highest

numbered claims previously presented (whether entered or not).

Misnumbered claims 1-16, 21-43, 61-67 and 101-107 been renumbered 1-53.

Claim Rejections - 35 USC § 103

5.   **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all**

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   **Claims 1-4, 7-8, 12-28, 31-32, 36-39, 47, 49-51 and 53 are rejected under 35 U.S.C.**

103(a) as being unpatentable over DiStefano III et al. (herein after DiStefano) U.S. Patent

No. 6,771,291 B1 filed 6/7/2000 in view of Freishstat et al. (herein after Freishstat) U.S. Patent No. 5,945,989 filed 3/25/1997.

  In regard to independent claim 1, DiStefano discloses *displaying, in a browser window of a client device, a Web page containing at least one first element of the Web page* (DiStefano Col 1 Lines 31-45 i.e. browser displays the web page on the client computer and DiStefano Abstract i.e. displaying a first element); *transmitting, to a server, a request for a second element of the Web page that is related to the first element* (DiStefano Col 1 Lines 31-45 i.e. a server computer stores web page information and DiStefano Col 2 Lines 20-35 i.e. a plurality of elements that are modified the first element of many elements being modified); *receiving at the client device the second Web page element; and displaying the second element with the Web page.* (DiStefano Col 2 Lines 20-35 i.e. displaying the modified first element on a second display region).

  DiStefano does not specifically mention *without reassembling the Web Page.* However, Freishstat mentions the user having an option of updating a web page after it has been modified (Freishstat Col 9 Lines 7-22). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Freishstat to DiStefano, providing DiStefano the benefit of updating or not updating a modified web page which would help the web page load more quickly.

  In regard to dependent claim 2, DiStefano discloses *wherein transmitting, receiving, and displaying the second element are accomplished without a client device agent other a Web browser.* (DiStefano Col 19 Lines 45-47 i.e. can be displayed on a television screen)

In regard to dependent claim 3, DiStefano discloses *wherein the second element replaces the first element on the displayed Web page.* (DiStefano Col 20 Lines 50-55 i.e. modified content is updated)

In regard to dependent claim 4, DiStefano discloses *wherein transmitting the request for the second element is responsive to a timer event.* (DiStefano Col 28 Lines 10-18 i.e. size and time of modified first element to second display region)

In regard to dependent claim 7, DiStefano discloses *wherein the second element augments the first element on the displayed Web page.* (DiStefano Col 18 Lines 26-44)

In regard to dependent claims 8, 28 and 32, claims 8, 28 and 32 reflect similar subject matter claimed in claim 3 and is rejected along the same rationale.

In regard to dependent claim 12, DiStefano discloses *wherein the second element is produced by a browser window action* (DiStefano Col 4 Lines 14-33 i.e. a user logon the access a server computer using a standard web browser).

In regard to dependent claim 13, DiStefano discloses *wherein the second element provides a responsive hyperlink of the browser window.* (DiStefano Col 13 Lines 30-33 i.e. create links option)

In regard to dependent claim 14, DiStefano discloses *wherein the second element is received by the client device from the server.* (DiStefano Col 1 Lines 31-45 i.e. a server computer stores and receives web page information)

In regard to dependent claim 15, DiStefano discloses *wherein the second element is received by the client device from a computer other than the server.* (DiStefano Col 7 Lines 60-67 i.e. provided by a variety of sources)

In regard to dependent claim 16, DiStefano discloses *wherein the second element is a text element.* (DiStefano Col 5 Lines 50-60 i.e. text)

In regard to independent claim 17, claim 17 in addition to the following reflects similar subject matter claimed in claim 1 and is rejected along the same rationale. *Wherein transmitting, receiving, and displaying the second element are accomplished without a client device agent other than a Web browser.* (DiStefano Col 19 Lines 45-47 i.e. can be displayed on a television screen)

In regard to dependent claim 18, DiStefano discloses *wherein the second element comprises a text element to be displayed with the Web page.* (DiStefano Col 5 Lines 50-60 i.e. text)

In regard to dependent claim 19, DiStefano discloses *wherein the second element comprises a text element and at least one source element to be displayed with the Web page.* (DiStefano Col 5 Lines 50-60 i.e. many elements including text and source)

In regard to dependent claim 20, DiStefano discloses *wherein the source element comprises a sound file.* (DiStefano Col 5 Lines 50-60 i.e. sound)

In regard to dependent claim 21, DiStefano discloses *wherein the source element comprises an image file.* (DiStefano Col 5 Lines 50-60 i.e. image)

In regard to dependent claim 22, DiStefano does not disclose *wherein the source element comprises a video file.* However, Freishstat mentions video that can be used (Freishstat Col 24 Lines 63-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Freishstat to DiStefano, providing DiStefano the benefit of having a video option for an element, which can also be added to update a web page.

In regard to dependent claim 23, DiStefano does not disclose *wherein the source element comprises a streaming multimedia file.* However, Freishstat mentions multimedia that can be used (Freishstat Col 19 Lines 20-22). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Freishstat to DiStefano, providing DiStefano the benefit of having a multimedia option for an element, which can also be added to update a web page.

In regard to dependent claim 24, DiStefano discloses *wherein the second element comprises a source element to be processed by the browser.* (DiStefano Col 5 Lines 50-60 i.e. many element options)

In regard to dependent claim 25, claim 25 reflects similar subject matter claimed in claim 21 and is rejected along the same rationale.

In regard to dependent claim 26, DiStefano discloses *wherein the source element comprises an applet.* (DiStefano Col 5 Lines 49-55 i.e. JAVA applets)

In regard to dependent claim 27, claim 27 reflects similar subject matter claimed in claim 3 and is rejected along the same rationale.

In regard to dependent claim 31, claim 31 reflects similar subject matter claimed in claim 7 and is rejected along the same rationale.

In regard to dependent claim 36, claim 36 reflects similar subject matter claimed in claim 12 and is rejected along the same rationale.

In regard to dependent claim 37, claim 37 reflects similar subject matter claimed in claim 13 and is rejected along the same rationale.

In regard to dependent claim 38, claim 38 reflects similar subject matter claimed in claim 14 and is rejected along the same rationale.

In regard to dependent claim 39, claim 39 reflects similar subject matter claimed in claim 15 and is rejected along the same rationale.

In regard to dependent claim 47, DiStefano discloses *wherein said client device is a personal computer.* (DiStefano Col 2 Lines 36-40 i.e. computer readable medium)

In regard to dependent claim 49, DiStefano discloses *wherein said second element is not a multimedia or image file.* (DiStefano Col 5 Lines 50-60 i.e. options that are not multimedia or image files)

In regard to dependent claim 50, DiStefano discloses *wherein no browser plug-ins are utilized.* (DiStefano Col 5 Lines 50-60 i.e. options that are not plug-ins)

In regard to dependent claim 51, DiStefano discloses *wherein no Java Applets are utilized.* (DiStefano Col 5 Lines 49-55 i.e. options that are not JAVA applets)

In regard to dependent claim 53, DiStefano does not disclose *wherein the server utilizes non- Microsoft Web server software.* However, Freishstat mentions other server options that at not Microsoft (Freishstat Col 19 Lines 12-15 i.e. Oracle and Minerva).). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Freishstat to DiStefano, providing DiStefano the benefit of having other server options besides Microsoft for capability with user computers with servers other than Microsoft.

7.   **Claims 5-6, 9-11, 29-30, 33-35, 40-46 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiStefano III et al. in view of Freishstat et al. as applied to claims**

1 and 17 and in further view of Dan et al. (herein after Dan) U.S. Patent 6,560,639 B1 filed 2/12/1999.

In regard to dependent claim 5, DiStefano does not disclose *wherein transmitting the request for the second element is responsive to a mouse-over event.* However, Dan mentions a mouse over event (Dan Col 31 Lines 35-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Dan to DiStefano, providing DiStefano the benefit of having a mouse over event for transmitting the second element, which would be quicker than manually updating the elements

In regard to dependent claim 6, DiStefano does not disclose *wherein transmitting the request for the second element is responsive to a mouse click event.* However, Dan mentions a mouse click event (Dan Col 13 Lines 34-35 i.e. clicking on a link with a mouse). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Dan to DiStefano, providing DiStefano the benefit of having a mouse click event for transmitting the second element, which would be quicker than manually updating the elements

In regard to dependent claims 9, 29 and 33, claims 9, 29 and 33 reflect similar subject matter claimed in claim 5 and is rejected along the same rationale.

In regard to dependent claims 10, 30 and 34, claims 10, 30 and 34 reflect similar subject matter claimed in claim 6 and is rejected along the same rationale.

In regard to dependent claim 11, DiStefano does not disclose *wherein the second element is displayed in a pop-up window in the browser window.* However, Dan mentions an element selected from a pop up (Dan Col 32 Lines 30-33). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Dan to DiStefano, providing

DiStefano the benefit of selecting the element from a pop up rather than searching for the element to be updated.

In regard to dependent claim 35, claim 35 reflects similar subject matter claimed in claim 11 and is rejected along the same rationale.

In regard to independent claim 40, DiStefano discloses *receiving at the client device, browser display instructions specifying the format of the Web page and the location of at least one text element to be displayed on the Web page* (DiStefano Col 17 Lines 10-25); *retrieving the text element from the specified location* (DiStefano Col 11 Lines 39-55); *inserting the text element into the Web page in accordance with the specified format; and displaying the Web page in the browser window.* (DiStefano Col 1 Lines 35-40)

DiStefano does not specifically disclose the text being inserted in a certain format. However, Dan mentions certain template data formats that are used (Dan Col 20 Lines 16-31). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Dan to DiStefano, providing DiStefano the benefit of ensuring the text is in a certain format so as to easily update and modify the web pages.

In regard to dependent claim 41, DiStefano discloses *wherein retrieving and inserting the text elements are accomplished without a client device agent other a Web browser.* (DiStefano Col 19 Lines 45-47 i.e. can be displayed on a television screen)

In regard to dependent claim 42, DiStefano discloses *wherein the text element is received by the client device from the server.* (DiStefano Col 1 Lines 31-45 i.e. a server computer stores and receives information)

In regard to dependent claim 43, DiStefano discloses *wherein the text element is received by the client device from a computer other than the server.* (DiStefano Col 7 Lines 60-67 i.e. provided by a variety of sources)

In regard to dependent claim 44, DiStefano discloses *further comprising updating the displayed Web page without refreshing the entire page.* (DiStefano Col 20 Lines 49-55)

In regard to dependent claim 45, DiStefano discloses *further comprising receiving an updated text element of the displayed Web page.* (DiStefano Col 20 Lines 50-55 i.e. modified content is updated)

In regard to dependent claim 46, DiStefano discloses *further comprising receiving an updated source element of the displayed Web page.* (DiStefano Col 20 Lines 50-55 i.e. modified content is updated)

In regard to dependent claim 48, DiStefano does not disclose *wherein said client device is a handheld device.* However, Dan mentions a handheld, which can be used (Dan Col 29 Lines 46). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Dan to DiStefano, providing DiStefano the benefit of using a handheld as an option of upgrading a web page.

8.   **Claim 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiStefano III et al. in view of Freishstat et al. as applied to claim 1 and in further view of Popp et al. (herein after Popp) U.S. Patent 6,249,291 B1 filed 9/22/1995.**

In regard to dependent claim 52, DiStefano does not disclose *wherein transmitting a request for the second element of the Web page occurs after the HTTP connection has*

terminated. However, Popp mentions the connection is then terminated between the client and the HTTP server (Popp Col 1 Lines 48-52). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Popp to DiStefano, providing DiStefano the benefit of requesting the element after the HTTP connection is terminated which can process a single transaction as taught by Popp Col 1 Line 43-60.

Conclusion

9.   **The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.**

Adams et al.   U.S. Patent No. 6,457,030 B1   issued   9/2002

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Londra C Burge whose telephone number is 703-305-8784. The examiner can normally be reached on 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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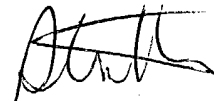
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**Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Fourth Floor (Receptionist).**

Londra Burge
8/5/2004

STEPHEN S. HONG
PRIMARY EXAMINER